

Janet Napolitano
Governor

Robert J. Maynard, O.D.
President

Robert B. Pinkert, O.D.
Vice President



Arizona State Board of Optometry
1400 West Washington, Suite 230
Phoenix, AZ 85007

Jack Confer
Executive Director

Telephone (602) 542-8155 • Fax (602) 542-3093

**MEETING NOTICE AND AGENDA FOR REGULAR SESSION MEETING
NOVEMBER 19, 2004 SCHEDULED TO COMMENCE AT 9:00AM**

Americans with Disabilities Act: Persons with disabilities may request reasonable accommodations by contacting the Arizona State Board of Optometry (ASBOO) Executive Director, Jack Confer, at (602) 542-8155. Requests should be made as early as possible to allow time to arrange the accommodation.

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the general public and to the members of the Arizona State Board of Optometry, that a regular meeting, open to the public, will be held on November 19, 2004 at 9:00AM. The meeting will be held at 1400 West Washington, B-1 (Basement) in Phoenix, AZ. For further information regarding agenda material, please contact Margaret Whelan, Licensing Administrator, at (602) 542-8164.

The Board reserves the right to change the order of items on the agenda, except for public hearings set for a specific time. Please note that any recommendations listed on the agenda are merely suggested Board actions.

These recommendations do not become final until adopted by the Board. The Board has the authority to accept, reject or modify any recommendation listed on the agenda.

Board Members

Robert J. Maynard, O.D., President
Robert B. Pinkert, O.D., Vice President
Caroline Griego, O.D.
Christina M. Sorenson, O.D.
Curtis R. Winkler, M.D.
Lawrence Ponemon, PhD

Staff:

Jack Confer, Executive Director
Margaret Whelan, Licensing Administrator

Legal Counsel:

Blair Driggs, Assistant Attorney General

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|-------------------------------|---------------------|
| A. CALL TO ORDER: | Dr. Maynard |
| B. ROLL CALL: | Ms. Whelan |
| C. PRESIDENT'S REPORT: | Dr. Maynard |
| D. CAC/ARBO REPORT: | Dr. Sorenson |

E. ADMINISTRATIVE LAW JUDGE DECISION:

1. William F. Agnone, O.D., Hearing on License Denial, Docket No. 04-200423-OBA

F. INFORMAL INTERVIEW:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). In addition, the board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

2. Donald Sanfilippo, O.D., IR#200435 [Dr. Sorenson]

G. REVIEW, DISCUSSION AND VOTE ON INVESTIGATION REVIEWS/COMPLAINTS:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). In addition, the board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

3. ASBOO vs. Wal-Mart Stores, Inc., IR#200401 [Mr. Confer]
4. ASBOO vs. Eye Glass World, IR#200405 [Mr. Confer]
5. ASBOO vs. Vincent G. Sanchez, O.D., IR#200419 [Dr. Maynard]
6. T.L. vs. Paul Viglotti, O.D., IR#200429 [Dr. Winkler]
7. ASBOO vs. New Image Lasik Center, IR#2004231 [Dr. Pinkert]
8. ASBOO vs. Brian Soto & Faktickers.com, IR#200439 [Mr. Confer]
9. P.C. vs. Selvin R. Gnanakkan, IR#200433 [Dr. Maynard]
10. W.Y. vs. Michael C. Pittelli, O.D., IR#200436 [Dr. Sorenson]
11. M.D. vs. Lawrence R. Stern, O.D., IR#200437 [Dr. Ponemon]
12. K.O. vs. Robert L. Yackey, M.D., IR#200440 [Mr. Confer]
13. ASBOO vs. David J. Anderson, IR#200442 [Mr. Confer]

H. REVIEW, DISCUSSION AND POSSIBLE VOTE REGARDING COMPLIANCE WITH PRIOR BOARD ORDERS:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). In addition, the board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

14. Contact Lens Etc & American Lens Corporation, IR#200259 [Mr. Confer]
15. Vincent G. Sanchez, IR#200422 [Mr. Confer]

I. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON APPROVAL OF CONTINUING EDUCATION AS PROVIDED BY A.R.S. § 32-1704 (D) and A.A.C. R4-21-208.

The Board may hold an executive session to receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

	Continuing Education	Date	No. of hours requested
a.	Colorado Optometric Assoc.-Snowmass 2004 Congress	7/8-7/11/04	20 Regular
b.	Southern AZ Optometric Assoc.-The Amazing Corner/Wavefront Technology	10/13/04	2 Regular
c.	Barnet Dulaney Perkins Eye Center-New Clinical Concepts	10/16/04	3 Regular

J. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING REGULAR LICENSE APPLICATIONS:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

- 16. Chemelekov, Alexander
- 17. Sananikone, Lou

K. REVIEW, DISCUSSION AND POSSIBLE BLOCK VOTE ON PENDING ENDORSEMENT LICENSE APPLICATIONS:

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

- 18. Chaar-Navarro, Miguel
- 19. Jaron, Chris
- 20. Kosanke, Edward
- 21. Melnyk, John

L. REVIEW, DISCUSSION AND POSSIBLE APPROVAL OF BOARD MEETING MINUTES.

The Board may hold an executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03 (A) (2). The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

- 22. August 20, 2004, Regular & Executive Session Meeting Minutes
- 23. September 17, 2004 Regular Meeting Minutes
- 24. October 28, 2004 Regular Meeting Minutes

M. EXECUTIVE DIRECTOR'S REPORT:

The board may hold an executive session to discuss or consult with its' attorney and receive legal advice pursuant to A.R.S. § 38-431.03 (A) (3).

- 25. Draft Policy on Crime Reporting Bill, A.R.S. § 32-3208 (Possible Discussion & Vote)
- 26. Litigation Update: Nicholas D. Kowalczyk v. Arizona State Board of Optometry, Arizona Supreme Court No: CV04-0118-PR (Possible Discussion & Information)
- 27. Legislative Council 47th Legislature, 1st Regular Session Calendar Deadlines (Information Only)
- 28. Arizona State Retirement System Projected Contribution Rates (Possible Discussion)
- 29. Proposed Rules Status
- 30. Budget Report (Information Only)
Budget Summary Report
- 31. Proposed FY2006 and FY2007 Budget
- 32. Board Statistics (Information Only)
- 33. Summary of Investigative Reviews (Possible Discussion)
- 34. Board Correspondence
 - a. S.B. vs. Richard Glonek, O.D., IR#200428
 - b. New Image Lasik Center, IR#200432
- 35. Proposed ISA with AzGU for We Portal transactions (Possible Discussion & Vote)

N. CALL TO PUBLIC:

[Dr. Maynard]

Those wishing to address the Board need not request permission in advance; however, the Board may limit time of those persons speaking during the Call to the Public. Pursuant to A.R.S. § 38-431.02 (H), the Board can only take action on matters listed on the agenda. If appropriate, actions on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or schedule the matter for further discussion at a later date.

END OF AGENDA:

Jack Confer, Executive Director

Date